

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 28, 2013

TO: Internal File

THRU: Daron Haddock, Coal Regulatory Program Manager *DH*

FROM: Ingrid Campbell, Environmental Scientist III *IC*

RE: Lease Modification, West Ridge Resources, West Ridge Mine, Permit # C0070041 and Project # 4236

SUMMARY:

On December 3, 2012, the Division received an application from West Ridge Resources to add 480.2 acres to the West Ridge Mine permit boundary. The lease modification resulted in less than a 15% change in the total area of the permit boundary and was within the current CHIA and the same hydrologic basin as the rest of the permit area. Therefore, this lease modification did not result in a significant revision to the Mining and Reclamation Plan.

This application is not recommended for approval. The following deficiencies must be addressed:

R645-301-114: The following areas for federal lease SL-068754, taken from the permit area description tables, is not shown on any of the updated maps:

Section 14: N2NWSW

Section 15: W2NE, E2SENE

Section 23: Lot 1, SWNE

Section 24: NWSW

R645-301-114: Please correct the following inconsistencies:

- The acreage for federal lease UTU 78562 listed on page 1-6 is 2605.49 acres. However, on page 1-7, under the permit area description, the acreage is listed as 2,403.7. Additionally, on page 1-9, the acreage for this lease is listed as 2,249.25. These three inconsistencies need to be corrected.
- Page 1-6 states that a total of 2162.34 acres of state coal is held by West Ridge Resources. However, this acreage is indicated as 2171.94 on table 1-2 on page 1-10.

R645-301-114: Please provide evidence of updated Federal Lease documents for incorporation into Appendix 1-4. The acreages listed in the lease documents for leases SL-068754 and UTU-78562 do not match the figures listed in the text and tables of chapter 1 of the mining and reclamation plan. Please update these figures to make them consistent with the lease documents.

R645-301-358.200: Please provide the survey data showing that the activity of nests that will be undermined in 2013. If an active nest is located above the subsidence area, the permittee must work with the Division, DWR and the USFWS to determine how the nest will be protected or avoided during mining.

R645-301-521: Please update map 5-4B to include the new lease area.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

Right of Entry information is located starting on page 1-6 of Chapter 1 of the Mining and Reclamation Plan (MRP). The permittee updated Section 114.100 on page 1-6 to add 480.2 acres to the amount of federal coal acres leased by West Ridge Resources, inc..

The acreage for federal lease UTU 78562 listed on page 1-6 is 2605.49 acres. However, on page 1-7, under the permit area description, the acreage is listed as 2,403.7. Additionally, on page 1-9 and 1-12, the acreage for this lease is listed as 2,249.25. These three inconsistencies need to be corrected.

Page 1-6 states that a total of 2162.34 acres of state coal is held by West Ridge Resources. However, this acreage is indicated as 2171.94 on table 1-2 on page 1-10.

The permittee updated Table 1-1, Federal Lease and ROW Properties, Table 1-4 Legal Description or Permit Area (By Leasehold), Table 1-5 Legal Description of Permit Area (total Area), and Table 1-6 Surface Ownership of Permit Area. The following areas for federal lease SL-068754, taken from the permit area description tables, is not shown on any of the updated maps:

Section 14: N2NWSW

Section 15: W2NE, E2SENE

Section 23: Lot 1, SWNE

Section 24: NWSW

Proof of federal lease assignment is located in Appendix 1-4 of the Mining and Reclamation Plan. The acreage for Lease SL-068754 is stated as 2,570.67 acres which differs from the updated acreage listed in Chapter 1 on several tables. Evidence of the new lease assignment must be provided with the application. Likewise, the acreage listed in the Federal Coal lease document for UTU-78562 is listed as 2,605.49 acres which also differs from the figures in the tables of chapter 1.

TECHNICAL MEMO

Findings:

The information provided for this section is not considered adequate to meet the regulations. Prior to approval, the permittee must submit the following in accordance with:

R645-301-114: The following areas for federal lease SL-068754, taken from the permit area description tables, is not shown on any of the updated maps:

Section 14: N2NWSW

Section 15: W2NE, E2SENE

Section 23: Lot 1, SWNE

Section 24: NWSW

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- The acreage for federal lease UTU 78562 listed on page 1-6 is 2605.49 acres. However, on page 1-7, under the permit area description, the acreage is listed as 2,403.7. Additionally, on page 1-9, the acreage for this lease is listed as 2,249.25. These three inconsistencies need to be corrected.
- Page 1-6 states that a total of 2162.34 acres of state coal is held by West Ridge Resources. However, this acreage is indicated as 2171.94 on table 1-2 on page 1-10.

R645-301-114: Please provide evidence of updated Federal Lease documents for incorporation into Appendix 1-4. The acreages listed in the lease documents for leases SL-068754 and UTU-78562 do not match the figures listed in the text and tables of chapter 1 of the mining and reclamation plan. Please update these figures to make them consistent with the lease documents.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The current permit was effective on June 28, 2011 and expires on April 1, 2014. The permit will be reissued with approval of this amendment. The permit will include the updated permit area description.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section. Upon approval of this amendment, a new permit will be issued.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Permit Area Boundary Maps

Map 5-4B, Extended Reserves Map was not updated to include the new lease and permit boundary.

Findings:

The information included in the application does not meet the requirements for this section. Prior to approval, the permittee must submit the following in accordance with:

R645-301-521: Please update map 5-4B to include the new lease area.

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Protection and Enhancement Plan

Endangered and Threatened Species

Bald and Golden Eagles

Page 3-8 and 3-9 of the MRP states that "locations within the permit area that contain potential raptor nesting habitat will be surveyed in the field within one year of any proposed mining activity that could result in subsidence." The mining projections shown on map 5-4A show that mining will occur in the vicinity of the new lease in 2013. The 2012 raptor survey

TECHNICAL MEMO

data was not included with this amendment. The 2011 survey data shows that there are at least two tended or active golden eagle territories within the lease expansion area. The survey data showing that the activity of nests that will be undermined in 2013 must be included in the application. If an active nest is located above the subsidence area, the permittee must work with the Division, DWR and the USFWS to determine how the nest will be protected or avoided during mining.

Findings:

The information provided in the application is not considered adequate to meet the regulatory requirements of this section. Prior to approval, the permittee must submit the following in accordance with:

R645-301-358.200: Please provide the survey data showing that the activity of nests that will be undermined in 2013. If an active nest is located above the subsidence area, the permittee must work with the Division, DWR and the USFWS to determine how the nest will be protected or avoided during mining.

RECOMMENDATIONS:

This application is not recommended for approval at this time.